

## Expanded Article for Warning Flags on HIV Test Results

### Quick Notes #10 Article

The following appeared on Page 1 of Issue #10 of Quick Notes.

#### Warning Flag on HIV Test Result

If ICD-9-CM codes for the HIV test results are reported in your data, they will be flagged with a warning edit flag. Diagnosis code V08 or 795.71 reported in the principal diagnosis or other diagnosis field will be flagged with a SW05 or SW06 warning flag.

Why does OSHPD edit these codes? This warning edit was designed to protect health facilities from further liability if the coder forgot or didn't know about the California Health and Safety Code section that prohibits the disclosure of any results of an HIV test whether positive, negative, or inconclusive without patient's written authorization for each disclosure. The only exception to the Health and Safety Code, is that the HIV test result must be reported to the public health agency. Most health facilities are not always aware of the differences between a public health agency and OSHPD when reporting the HIV test results. OSHPD is NOT a public health agency. OSHPD is not held liable for the reported codes. Health facilities, however, could ultimately be held responsible for disclosing that information without the patient's signed consent.

*More information on edit flags and edit reports can be found on our web site.*

## Expanded Article

### Warning Flag on HIV Test Result

If ICD-9 codes for the [HIV test results](#) are reported in your data, they will be flagged with a warning edit flag. Diagnosis code V08 or 795.71 reported in the principal diagnosis or other diagnosis field will be flagged with a SW05 or SW06 flag, respectively. Warning flags will not cause your data to be rejected since they are not applied towards the Error Tolerance Level. These flags are meant to alert you to review possible errors in your data.

#### Rationale:

Health and Safety Code (law)\* protects only the [HIV test results](#) (V08 or 795.71), not the actual diagnosis of HIV once it is confirmed (042). Basically it says that under no circumstances, can the provider release patient's [HIV test results](#), whether verbal or written, without a special written consent from the patient that is specific to each entity (Blue Cross, OSHPD, HMO, etc). The only exception to the above, the [test results](#) must be reported to the public health agency.

Anytime you use the diagnosis code V08 or 795.71, you are disclosing the [HIV test results](#). Disclosure in this law means reveal, release, transfer, disseminate, or communicate all or any part of the test results orally, writing, or electronic means to any person or entity\*. There are financial penalties if there was a release of such information, whether accidental or willful\*.

Most health facilities are not always aware of the differences between public health agency and OSHPD when reporting the [HIV test results](#). OSHPD is NOT a public health agency. OSHPD is not held liable for the reported codes, however the health facilities will ultimately be responsible for disclosing that information without patient's special consent.

Basically the law is to protect individuals who have not exhibited any signs or symptoms of HIV infection yet, regardless of what the [HIV test results](#) showed (positive, negative, false-positive, false-negative, inconclusive). These [HIV test results](#) can have false positive readings and can have adverse impact on the patient in life insurance application, home loan application, employment, etc. The Health and Safety Code (law) protect the [HIV test results](#), until the HIV is truly confirmed with symptoms/infection.

### Diagnosis Codes

V08 (asymptomatic HIV infection status) – NO, do not report to OSHPD. Exception: Only if you have a special written consent to disclose this specifically to OSHPD. This code does not reflect the actual infection, but just the positive test result with no symptoms.

795.71 (nonspecific serologic evidence of HIV) – NO, do not report to OSHPD. Exception: Only if you have a special written consent to disclose this specifically to OSHPD. This code does not reflect the actual infection, but just the inconclusive test result with no symptoms.

042 (Human immunodeficiency virus disease) - YES, you can report to OSHPD according to the physician's documentation in that the patient exhibit signs or symptoms of the HIV infection.

V01.79 (exposure to other viral disease (including HIV virus and HIV test result)) - YES, you can report to OSHPD. The code itself does not reveal "HIV test results" and this would not be impacted by the California Health and Safety Code. It is okay to use.

V65.44 (HIV counseling) – Cautionary, when reporting to OSHPD. Normally all HIV test results are discussed with the patient. This code can be used with either 042 (HIV) or V08 (asymptomatic HIV infection status as shown in positive HIV test result). In California, be careful in using V65.44 if the patient does not have symptomatic HIV disease (042) yet. You may want to review other alternative code, such as V65.49 (other specified counseling).

### Interpretation:

Some hospitals shared that physicians tend to write "HIV +" as a diagnosis. This can be interpreted as a positive HIV test result or HIV infection. These hospitals educated their physicians (or Medical Chief of Staff) that this diagnosis can be coded either way and how this impacted their hospitals if the HIV test result is disclosed to a non-public health entity without the patient's consent. They learned that physicians often mean HIV infection with symptoms (042) upon verification with them. If the physician means HIV positive test and if the patient is coming in for monitoring or prophylaxis treatment, the codes should reflect the monitoring or treatment. If the physician orders a HIV test for



an encounter, some hospitals choose to use V72.6 (laboratory exam) when there is no patient's special written consent.

Why does OSHPD edit these codes?

This warning edit was designed to protect the health facilities from further liability if the coder forgot or didn't know about the California Health and Safety Code that prohibits the disclosure of any results of an HIV test whether positive, negative, or inconclusive without patient's written authorization to each specific entity.

\*The law (formerly AB 488 of the 1985-1986 Regular Session) was enacted on April 4, 1985 on protecting the HIV test results. The reference regarding the HIV test results is in the California Health and Safety Code, Division 1, Part 1, Chapter 1.1 Mandated Blood Testing and Confidentiality to Protect Public Health, commencing with Sections 199.20-199.23. This has been recodified to Division 105 Communicable Disease Prevention and Control, Part 4 Human Immunodeficiency Virus (HIV), Chapter 7 Mandated Blood Testing and Confidentiality to Protect Public Health, Section 120980. It has been amended to change the words "AIDS" to "HIV" and recodified to Sections 121075-121125.